

In the United States District Court
for the Middle District of Alabama

James G. Huffman,
Petitioner

RECEIVED

OCT 25 A 10 31

U.S. DISTRICT COURT
MIDDLE DISTRICT OF ALA.

2:06-CV-748-MEF

V.
Southern Health
Partners Services, et. al.
Respondents

Motion for leave to
Amend Original Claim

Comes now your Petitioner, James G. Huffman, pro se, and would move the Honorable District Court for leave to add an amendment/new claim to his original 42 U.S.C. § 1983 action and he would support such request with the following facts:

1.) That another matter has arisen in the area of his treatment by the Respondents in which has to do with his health needs, wherein he has suffered from the conduct of Respondent's inactions to resolve the confiscation of his prescription eye glasses by the security staff of the Autauga Metro Jail.

2.) Petitioner would contend that on or around September 12, 2006 wherein his

personal property was confiscated by the security personnel of the Autauga Metro Jail during a shake down of 6-Pod, while all prisoners of 6 Pod were rushed out of their cells, and taken outside to the recreation area while security personnel searched everyones living area for prison contraband.

2.) Plaintiff had no chance to get his eye glasses off of the shelf, where he had laid them after clearing the lens, and making adjustments to the frames as he had to do from time to time, due to the fact that the security staff of Autauga Metro Jail rushed all prisoners ~~out~~ out of their living areas. No one was given time to do anything other than to comply to their orders to exit their cells and proceed outside to the recreation area.

3.) Upon Petitioners return to cell #601, in six pod, he discovered that his gold rim frames, along with his corrective lens, were not on the shelf where he had left them prior to his being run out of the #601 cell by security personnel.

4.) Petitioner had removed his eye glasses

corrective lens in order to clean them, and he had not had a chance to complete the adjustments he was making on the temple, nose pieces, and frames prior to being run outside by the Respondent's.

5.) Once Petitioner realized his glasses were gone he made the officer in the security cube overlooking 6 Pod aware of this fact. He was told to fill out an inmate request to the attention of Lieutenant S. Lamar to make him aware of the situation, so Petitioner sent the attached inmate request to the attention of Lieutenant Lamar requesting he be given his eye glasses and frames back. Lieutenant Lamar responded with the following:

"Anything taken from your cell was determined to be contraband and will not be returned." "SEE EXHIBIT A"

6.) Petitioner has a severe astigmatism, along with near sightedness, which requires prescription eye glasses. Petitioner has been wearing prescription eyewear since the 4th grade, and can not watch television, read or function normally without eye glasses.

7.) Petitioner was booked into the Aultauga Metro Jail on September 13, 2005, [2005] and he had prescription eye glasses upon such booking, and this should be a record of the jail's listing of Petitioner's personal property.

8.) Petitioner has written Sheriff James "Herbie" Johnson two separate correspondences requesting that his glasses be returned to him, but as of this date he has received no response or any relief from his request.

9.) Petitioner would contend that he has done everything he can to seek a remedy to this situation, but nothing has been done in order to rectify this matter, therefore your Petitioner would move the Honorable District Court to amend his original complaint, and to bring this new claim to his 42 U.S.C. § 1983 action in order to seek relief from the Respondents' treatment of Petitioner.

10.) Your Petitioner would assert that he has used diligence in seeking reconciliations of this matter, however, due to having received no response from the Sheriff, or from

the Staff of the Autauga Metro Jail, your Petitioner would move the Honorable District Court to allow him leave to bring this claim onto his original 42 U.S.C. § 1983 action, as he believes that this matter is a colorable claim of his civil rights, as well as, his constitutional rights being violated by the Respondent's egregious conduct towards Petitioner, and he would aver that such actions have caused your Petitioner to suffer ~~in~~ needlessly, as the Respondents could have simply returned his eye glasses to him, but chose to act in an arbitrary and capricious manner, rather than doing anything to ~~resolve this~~ resolve this problem.

12.) Your Petitioner believes that this matter is close enough to his original complaint, in which he has raised the issue of inadequate medical care, to have this new claim to be brought forward by allowing him leave to amend his original complaint, and marry in the new claim of the taking of his prescription eyewear, under color of law, doing this wrong to Petitioner as in retribution for his present claims against them, or perhaps just being cruel and difficult.

3.) Your Petitioner would seek that the Honorable Court assist him to get his eye glasses back from Defendants or in the alternative to be taken to an optician in order to have his eye wear replaced by the Autauga County Sheriff.

4.) Petitioner would seek declaratory, punitive, cumulative, as well as monetary relief from the arbitrary and capricious actions of the Defendants as well as the cruel and egregious behavior of the Defendants.

Wherefore These Premises Considered, your Plaintiff would request that he be allowed leave to amend his original claims to incorporate the additional complaint herein, and that he be given any other relief available to him.

For this We Forever Pray.

Respectfully Submitted,
James G. Huffman
Plaintiff
136 North Court Street
Prattville, Alabama
36067

Certificate of Service

I, James G. Huffman, do hereby certify that I have delivered a copy of the same foregoing motion by placing such in the United States mail properly addressed to The Office of the Clerk for the United States District Court, P.O. Box 711 - Montgomery, Al. 36101-0711 and with proper postage prepaid and affixed this the 20th day of October, 2006.

James G. Huffman
Plaintiff

I also certify that I have delivered a copy of the foregoing motion to the entities and parties listed below by the same means as above.

1) Mc Dowell, Faulk +
Mc Dowell, L.L.C.
Attorneys at Law
145 West Main Street
Prattville, Al. 36067

2) Lanier, Ford,
Shaver + Payne P.C.
Attorneys at Law
P.O. Box 2087
Huntsville, Al.
35804

Done this the _____ day of, 2006

gold wire rim frames/ corrective lens were
confiscated in a shake down of his living area

Exhibit A

09/12/06

Lieutenant S. Pamas

I am missing the gold wire rim frames of my eyeglasses that were on the shelf prior to our going outside last night. The lens were out of them because I was cleaning them. I need those eyeglass frames back. Please send these wire rim frames back to me in 6 pod.

Thanks

James G. Huffman

James G. Huffman

601

NOTE: IF YOU FOLLOW INSTRUCTIONS AND MAKE YOUR REQUEST, IT CAN BE HANDLED IN A
 DIRECT MANNER. YOUR ADDRESS IS SIGNIFICANT IN THE REQUEST AND REQUESTING
 ACTION IS PRIORITY.

DISPOSITION: DO NOT WRITE IN THIS SPACE

DATE: 9-13-06

Anything taken from your cell was determined
 to be contraband and will not be returned

J. S. Jones